

## COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHOD AND SYSTEM FOR INTERNET PERSONALIZATION

the specification of which (check one) x is attached hereto or \_\_\_\_ was filed on \_\_\_\_ as Application Serial No. \_\_\_\_ and was amended on \_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed  
Yes No

Number Country Day/Month/Year Filed

Number Country Day/Month/Year Filed

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. Filing Date Status: Patented, Pending, Abandoned

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I hereby appoint the members of the firm of DERGOSITS & NOAH LLP, a firm composed of Michael E. Dergosits (Reg. No. 31,243), Todd A. Noah (Reg. No. 35,626), Richard A. Nebb (Reg. No. 33,540), Laurie J. Mintz (Reg. No. 35,957), Paul K. Tomita (Reg. No.: 43,196) and Geoffrey T. Staniford, (Reg. No. 43,151), Four Embarcadero Center, Suite 1150, San Francisco, California 94111 as my attorneys with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Please direct all correspondence regarding this application to the following:

DERGOSITS & NOAH LLP  
Attn: Michael E. Dergosits  
Four Embarcadero Center, Suite 1150  
San Francisco, California 94111  
Telephone: (415) 705-6377

**PATENT**  
**Attorney Docket No: 358.02**

.....  
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Jonathan Oliver  
Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 733 - 65<sup>th</sup> Street, Oakland, California 94609  
Citizenship: Australian  
Post Office Address: same as above

Full name of second joint inventor: Rohan Baxter  
Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 485 Prince Street, Oakland, California 94610  
Citizenship: Australian  
Post Office Address: same as above

Full name of third joint inventor: Wray Buntine  
Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 1126 Oxford Street, Oakland, California 94707  
Citizenship: Australian  
Post Office Address: same as above

Full name of fourth joint inventor: Steven Waterhouse  
Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 1660 Bay Street, #203, San Francisco, California 94123  
Citizenship: U.S.A.  
Post Office Address: United Kingdom

Applicants: Jonathan Oliver, Rohan Baxter, Wray Buntine and Steven Waterhouse.  
Serial No.: Unassigned  
Filed: Herewith  
For: Method and System for Internet Personalization

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☒ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Ultimode, Inc.  
ADDRESS OF CONCERN 2201 Broadway, 2nd Floor, Oakland, CA 94612

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **METHOD AND SYSTEM FOR INTERNET PERSONALIZATION** by inventor(s) Jonathan Oliver, Rohan Baxter, Wray Buntine and Steven Waterhouse described in

- ☒ the specification filed herewith  
☐ application serial no. \_\_\_\_\_ filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time or paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like to made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Wray Buntine  
TITLE OF PERSON SIGNING President  
ADDRESS OF PERSON SIGNING Ultimode, Inc., 2201 Broadway, 2nd Floor, Oakland, CA 94612

DATE: \_\_\_\_\_ SIGNATURE \_\_\_\_\_

## ASSIGNMENT

WHEREAS I/We, the below named inventors, hereinafter referred to as "ASSIGNORS", are the owners of certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **METHOD AND SYSTEM FOR INTERNET PERSONALIZATION**

Date of Execution: \_\_\_\_\_ Filing Date: July 27, 1999 Serial No: Unassigned

WHEREAS, Ultimode, Inc., 2201 Broadway Street, 2<sup>nd</sup> Floor, Oakland, California 94612, a corporation of California, hereinafter referred to as "ASSIGNEE", is desirous of acquiring the entire right, title and interest in and to said invention and application and in any Letters Patent which may be granted on the same;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for One Dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged by Assignor, Assignor has sold, assigned and transferred, and by these presents does sell, assign and transfer unto the said Assignee, and Assignee's successors and assigns, all right, title and interest in and to the said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, prolongations or extensions thereof, said interest to be held and enjoyed by said Assignee as fully and exclusively as it would have been held and enjoyed by said Assignors had this assignment and transfer not been made, to the full end and term of any such Letters Patent.

Assignor further agrees that they will, without charge to said Assignee, but at Assignee's expense, cooperate with Assignee in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as Assignee lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have hereunto signed their names to this assignment on the date indicated below.

Date: \_\_\_\_\_, 1999

By: \_\_\_\_\_  
Jonathan Oliver

Date: \_\_\_\_\_, 1999

By: \_\_\_\_\_  
Rohan Baxter

Date: \_\_\_\_\_, 1999

By: \_\_\_\_\_  
Wray Buntine

Date: \_\_\_\_\_, 1999

By: \_\_\_\_\_  
Steven Waterhouse

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_, before me, the undersigned notary public, personally appeared the above-named assignor, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public